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FILED
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CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1941.

No. 517.

THE SIROCCO COMPANY,

Petitioner,

v.

THE CITY OF MIAMI.

PETITION FOR REHEARING.

SOL A. ROSENBLATT,
Counsel for Petitioner.

SOL A. ROSENBLATT,
JOSHUA BINION CAHN,
Of Counsel.

THE COURT PRESS, N. Y. C.

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THE SIROCCO COMPANY,
Petitioner,

v.

THE CITY OF MIAMI.

Petition for Rehearing.

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

The petitioner, The Sirocco Company, by its counsel, Sol A. Rosenblatt, prays that a rehearing on its petition for a writ of certiorari to review the judgment of the Supreme Court of Florida in the above entitled cause be granted.

The denial of the petition for a writ of certiorari herein leaves the petitioner entirely without remedy against the unlawful appropriation of its property by the respondent without any shadow of justification or any compensation of whatsoever nature.

The petitioner has what should be established to be a completely valid and enforceable title to five acres of land in Miami, Florida, which land was seized by

the respondent and used to build roads thereon in complete defiance of petitioner's property rights.

The petitioner has sought in every manner made available to it by the law to recover from the respondent the value of the land in question. Respondent has utterly failed and refused to make any payment whatsoever for the land thus appropriated.

The petitioner sought to establish its rights in the Florida Courts. Because of the failure of those Courts properly to interpret the law, the bill of complaint was dismissed.

After vainly seeking a rehearing upon the erroneous decision of the Florida Court, the petitioner petitioned to this Court for a writ of certiorari so that the unlawful and erroneous decision of the Supreme Court of Florida could be corrected.

The property rights involved herein are substantial. The land in question when unlawfully appropriated was worth well in excess of one hundred fifty thousand dollars per acre, and interest on the value of petitioner's property brings the amount of its claim to approximately a million and a half dollars.

An examination of the petition and brief in support thereof discloses that the action of the Florida Court was completely without legal basis, and that such action confiscated petitioner's lands without any color of right and deprived it of its lawful property without any compensation.

As is pointed out in the petition and brief, the decision of the Florida Court is in direct conflict with the applicable decisions of this Court. Such decision is in nowise reconcilable with the well-established practice of the Department of the Interior and the rulings of that Department under the very facts here in question.

For the foregoing reasons petitioner respectfully urges that this petition for rehearing be granted; that the judgment of this Court denying the application of petitioner for a writ of certiorari, be upon further consideration set aside, and that the petition for certiorari be granted.

Respectfully submitted,

THE SIROCCO COMPANY,
By SOL. A. ROSENBLATT,
Counsel for Petitioner.

State of New York,
City of New York,
County of New York—ss.:

SOL. A. ROSENBLATT, being duly duly sworn, deposes and says that he is the counsel for The Sirocco Company, petitioner herein; that he has read the foregoing petition and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Deponent further says that the reason this verification is made by deponent and not by The Sirocco Company is because the said petitioner is a Florida corporation, and deponent is its counsel.

SOL. A. ROSENBLATT.

Sworn to before me this
3rd day of November, 1941.

MARTHA POSNER,
Notary Public,
New York County.

Certificate of Counsel.

I, SOL A. ROSENBLATT, Counsel for the above named petitioner, do hereby certify that the foregoing petition for a rehearing is presented in good faith and not for delay.

SOL A. ROSENBLATT,
Counsel for Petitioner.